

REMARKS

This paper is responsive to an Office Action mailed March 23, 2006. Prior to this response, claims 1-20 were pending. After amending claims 1 and 15, canceling claim 14, and adding claim 21, claims 1-13 and 15-21 remain pending.

Section 1 of the Office Action objects to Fig. 16, suggesting that the reference designator "16" is incorrect. In response, the original drawing is being canceled. A Replacement Sheet has been enclosed as Attachment F, to replace the canceled sheet. Fig. 16 in the Replacement Sheet shows reference designator "15", instead of "16".

Section 3 of the Office Action states that claims 1-3, 5-6, 11-12, 14, 16-17, and 20 have been rejected under 35 U.S.C. 102(e) as anticipated by Li (US 2005/0103745). In response, the Applicant submits that the claimed invention was reduced to practice prior to the filing date of the Li publication, November 17, 2003. Attachments A through E are enclosed to support this assertion. Attachment A is the affidavit of co-inventor Wei Gao. Attachment B is the affidavit of co-inventor Yoshi Ono. Attachment C is the affidavit of co-inventor John Conley Jr. In their affidavits, the inventors all swear that the claimed invention was conceived of, and reduced to practice prior to November 17, 2003. Attachment D is a true copy of the patent disclosure used to prepare the instant application. The disclosure shows a complete conceptualization of all the elements of the base claims. Attachment E is a true copy of a monthly report, prepared by Wei Gao and submitted to (supervisor) Yoshi Ono. Specifically, Figures 1-6 of the report describe the recited fabrication

process, and Figure 7 of the report is proof that the microlens recited in the claims was actually reduced to practice.

In Section 5 of the Office Action claim 15 has been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Li in view of Yamamoto (US 2004/0082094). The Li publication was filed after the reduction to practice of the claimed invention, and cannot be used as prior art reference under 35 U.S.C. 102(e) or 103(a). The Yamamoto reference is insufficient to support a *prima facie* case of obviousness. Therefore, the Applicant requests that the rejection be removed.

In Section 6 of the Office Action claims 1-11, 13, and 17-20 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Ozawa in view of Hawkins et al. ("Hawkins"; US 6,211,916). In response, claim 1 has been amended to include the subject matter of claim 14, now canceled. Claim 1 now recites that the hard mask is wet-etched faster than the underlying transparent material. In contrast, Ozawa clearly states that when his mask 612 and underlying first film 220 are wet-etched, the underlying first film 220 is etched faster (col. 14, ln. 64, through col. 15, ln. 10, see Fig. 12c).

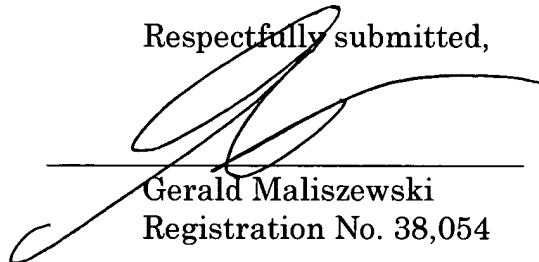
Hawkins has been introduced a hard mask can be laterally etched. However, in col. 6, ln 26-64 Hawkins describes the etching of dielectric layer 100. At col. 4, ln. 48-50, dielectric 100 is described as the lens, preferable an oxide. Therefore, Hawkins' dielectric is more equivalent to Ozawa's first film 220. Alternately stated, Hawkins' layer 110 is a stop etch (e.g., nitride, see col. 7, ln. 41), and Hawkins does not describe the lateral etching of the stop etch layer. Therefore, Hawkins does not teach the lateral etching of a hard mask.

Further, even if the references were combined, that combination does not teach a hard mask that is wet etched faster than the underlying transparent material, as recited in amended claim 1. In fact, both the Hawkins and Ozawa references teach that a hard mask (110 Hawkins, 612 Ozawa) has greater selectivity (is less susceptible) to a wet etch than the underlying transparent material. Therefore, the combination of references does not explicitly describe all the limitations of claim 1, or suggest modifications that would make the missing limitations obvious. Claims 2-13 and 15-20, dependent 1, enjoy the same distinctions from the cited references, and the Applicant respectfully requests that the rejection be withdrawn.

It is believed that the application is in condition for allowance and reconsideration is earnestly solicited.

Date: 5/15/2006

Respectfully submitted,


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